IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL.

Writ Petition No. 1040 (S/S) of 2006

Smt. Rekha Rani,
D/o Sri M.C. Kothari,
R/o Village – Ruchipura,
P.O. – Mayra, Dehradun,
Working as Swasthya Karyakatri
(Basic Health Worker),
posted at Additional
Prathmik Swasthya Kendra,
Raipur, Dehradun. **.....Petitioner**

Versus

1. State of Uttaranchal through Secretary, Medical Health and Family Welfare, Dehradun.
2. The Chief Medical Officer, Dehradun.
3. Prabhari Chikitsa Adhikari, Raipur, Dehradun.

.....Respondents

Hon'ble M.M. Ghildiyal, J.

Heard Sri Tanuj Semwal, learned counsel for the petitioner and Sri Paresh Tripathi, learned counsel for State of Uttaranchal on behalf of respondents.

By means of this writ petition, petitioner has prayed for the following reliefs:

(a) issue a writ, order or direction in the nature of Certiorari quashing the impugned order dated 04.06.2006 (Annexure No. 1) passed by the respondents.

(b) issue a writ, order or direction in the nature of Mandamus directing the respondents to allow the petitioner to continue her services / duties at Additional Swasthya Kendra, Raipur, Dehradun.

(c) issue a writ, order or direction in the nature of Mandamus directing the respondents to decide the pending representation of the petitioner.

(d) *Issue any other or direction, which be deemed fit and proper under the facts and circumstances of the case in favour of the petitioner.*

(e) *Award costs of the writ petition to the petitioner.*

By the impugned order dated 04.06.2006 passed by respondent no. 3 the attachment of the petitioner, who is working as Mahila Swasthya Karyakatri at Additional Primary Health Centre, Raipur, Dehradun, has been cancelled and the petition is directed to join at Primary Community Health Centre, Brontha, Chakrata, Dehradun.

From the perusal of record it appears that the petitioner was earlier transferred in the year 1995 from Primary Health Centre, Thano, Doiwala, Dehradun to Primary Community Health Centre, Brontha, Chakrata, Dehradun. Aggrieved with the transfer order, petitioner preferred writ petition no. 32968 of 1995 before Allahabad High Court, on the ground that she is a divorcee and residing with her old parents. The Allahabad High Court while disposing of the writ petition on 17.11.2005 directed the petitioner to prefer representation before the Chief Medical Officer, Dehradun and till the representation is decided transfer order shall not be enforced against the petitioner and respondents shall accommodate the petitioner in view of personal impending problems of the petitioner subject to of course administrative exigencies.

In the year 1995, petitioner was attached to Additional Primary Health Centre, Raipur, Dehradun.

Again in the year 1998, attachment order was cancelled by the respondents and respondents directed the petitioner to join her duties at Primary Community Health Centre, Brontha, Chakrata, Dehradun. Aggrieved with the cancellation of attachment order, petitioner preferred writ petition no. 35749 of

1998 before Allahabad High Court and the Allahabad High Court passed an order that representation has already been filed by the petitioner and respondents may dispose of the representation with reasoned order expeditiously, if possible, within a period of one month and till the representation is decided the order impugned shall remain stayed.

Now by the order dated 04.06.2006 petitioner has again been asked to join at Primary Community Health Centre, Brontha, Chakrata, Dehradun. Aggrieved with this order, petitioner preferred this writ petition, on the same ground that she is a divorcee and is living with her old parents.

It is further submitted by the learned counsel for the petitioner that in the year 1995 respondents were directed to decide the representation of the petitioner but till date no representation has been decided by the respondents, as such, impugned order is bad in the eyes of law and cannot be enforced.

I don't find any force in the submission of learned counsel for the petitioner. From the perusal of record, it is clear that petitioner is serving at Additional Primary Health Centre, Raipur, Dehradun since 1995.

I do not find any illegality in the order impugned. Writ petition lacks of merit, as such, is dismissed in limine. No order as to costs.

(M.M. Ghildiyal, J)

August 1, 2006
SKSharma